THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 21245 of 1997

28-03-2007

Between:-

Kolla Demudu

Petitioner

And

The Chairman & Presiding Officer,
Industrial Tribunal-cum-Labour Court,
Visakhapatnam and three others.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 21245 of 1997

Oral order:

This is a workman's writ petition against the award of the Industrial Tribunal-cum-Labour Court, Visakhapatnam dated 12-03-1997 in I.D.No. 58 of 1994. The petitioner had laid a claim under Section 2A (2) of the Industrial Disputes Act, 1947 (for short 'the Act') assailing his termination from service. He claimed that he joined the second respondent school in 1987 as an Attender, worked till 1991 continuously and was given an order appointing him as a contingent worker with effect from 12-06-1989 under Ex.W.1. He claimed that he was removed from service on 23-04-1991 without passing an order of termination, without notice or payment of retrenchment compensation.

The respondent-management failed to marshal any evidence, oral or documentary, despite ample opportunity. Only a counter was filed by the second respondent, adopted by the other respondents, denying the assertions in the claim petition. The petitioner testified as W.W.1. He marked two documents – Ex.W.1 being a Xerox copy of order dated 12-06-1989 appointing him as a contingent worker and Ex.W.2 a lawyer's notice dated 17-07-1993. The Court below despite commenting on the failure of the respondents in failing to produce any evidence in defence of the claim of the petitioner, nevertheless held that as the petitioner had failed to produce the original of Ex.W.1 or any evidence corroborating or supporting his self-serving statement of his continuous service till the date of his removal from service, there was no material on record to come to the conclusion that he had worked continuously from 1987 till 1991, was removed on 23-04-1988 and therefore entitled to the benefits under Section 25F of the Act.

This Court finds no error in the analysis of law or the conclusions recorded by the Labour Court warranting interference in this writ petition. There are no merits. The writ petition is accordingly dismissed. No costs.

GODA RAGHURAM, J

Dated:28-03-2007

Pvks/*